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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD FRANCIS RUSSELL, THOMAS ELMER SAMPLES,
and BRENT ALLEN SCHANDING

Appeal 2008-2672
Application 09/957,014
Technology Center 2400

Decided:¹ April 21, 2009

Before HOWARD B. BLANKENSHIP, ST. JOHN COURTENAY III, and
THU A. DANG, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ The two month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

I. STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1-25. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

A. INVENTION

According to Appellants, the invention relates to assignment of internet protocol addresses, and more particularly, to automatically assigning internet protocol address information to a network device, such as a low-cost network adapter (Spec. 1, ll. 2-4).

B. ILLUSTRATIVE CLAIM

Claim 1 is exemplary and is reproduced below:

1. A method of automatically assigning an internet protocol address to a device, comprising the steps of:

providing a network;

providing a computer communicatively coupled to said network;

providing a network adapter to communicatively couple said device to said network, said network providing communicative interconnection between said computer and said network adapter;

said computer performing the steps of:

generating an internet protocol address;

incorporating said internet protocol address in an address resolution protocol probe;

sending said address resolution protocol probe on said network;
and

determining whether a response to said address resolution protocol probe indicates that said internet protocol address is in use;

wherein if said internet protocol address is not in use, then performing the step of assigning said internet protocol address to said network adapter via said network.

C. REJECTIONS

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Reed	US 6,061,739	May 9, 2000
Mellquist	US 6,115,545	Sep. 5, 2000
Buse	US 6,810,420 B1	Oct. 26, 2004
		(filed Jan. 31, 2000)

Troll, *DHCP Option to Disable Stateless Auto-Configuration in IPv4 Clients*, Network Working Group (1999).

Cheshire, *2.3.10 Networks in the Small – aka Home Networks (nits) bof*, (2003).

Claims 1, 9, 10, 17, and 25 stand rejected under 35 U.S.C. § 103(a) over the teachings of Buse in view of Cheshire.

Claims 2-6, and 18-22 stand rejected under 35 U.S.C. § 103(a) over the teachings of Buse in view of Cheshire, and further in view of Reed.

Claims 7, 11-16, and 23 stand rejected under 35 U.S.C. § 103(a) over the teachings of Buse in view of Cheshire, and further in view of Mellquist.

Claims 8 and 24 stand rejected under 35 U.S.C. § 103(a) over the teachings of Buse in view of Cheshire, and further in view of Mellquist and Troll.

II. ISSUES

The issues are whether:

(1) the combination of Buse and Cheshire teaches or would have suggested a computer for “incorporating said internet protocol address in an address resolution protocol probe,” “sending said address resolution protocol probe on said network,” and “if said internet protocol address is not in use, then performing the step of assigning said internet protocol address to said network adapter via said network” (claim 1); and

(2) it would have been obvious to combine Buse and Cheshire.

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Busé

1. Busé discloses a discovery scheme which can be operated by a proxy device (2) such as a personal computer coupled to a local area network (1), and which facilitates the discovery of devices (4) which may or may not be configured with an IP address (col. 1, ll. 38-42; Fig. 1).
2. A response from a device with an unconfigured IP address to the proxy will initiate a process for resolving an IP address and when the proxy has resolved an IP address for the device, it sends a declaratory message “YOU ARE” including the allocated IP address to the device, wherein upon receipt of the “YOU ARE” message frame, the device will configure itself with the supplied parameters and respond with an “I_AM_HERE” message frame (col. 2, ll. 46-58; Fig. 2).
3. If the proxy does not receive a DHCP response (i.e., there is no DHCP server on the network), the IP address allocation is done by means of an address resolution protocol (ARP) or an ICMP echo request, wherein, if there is a conflict with an existing occupied address, the subprocess is repeated and a new address is generated from the auto IP range until a free address is found (col. 3, l. 41 to col. 4, l. 4).

Cheshire

4. Cheshire discloses initiating a DHCP Discovery process, wherein, if no DHCP server is discovered, then sending an ARP probe to verify

- that an IP address is not already in use, and then configuring the interface with the IP address (p. 3, ll. 8-13).
5. Cheshire is directed to IP based devices that should have “plug and play behaviour” (p. 2, ll. 7-8) which includes “any printer on the LAN” (p. 4, l. 8).

IV. PRINCIPLES OF LAW

"[T]he PTO gives claims their 'broadest reasonable interpretation.'" *In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004) (quoting *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000)). "Moreover, limitations are not to be read into the claims from the specification." *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993) (citing *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989)). Our reviewing court has repeatedly warned against confining the claims to specific embodiments described in the specification. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1323 (Fed. Cir. 2005) (en banc).

One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986).

Section 103 forbids issuance of a patent when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.”

KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1734 (2007).

The Supreme Court emphasized “the need for caution in granting a patent based on the combination of elements found in the prior art,” and discussed circumstances in which a patent might be determined to be obvious. *KSR*, 127 S. Ct. at 1739 (citing *Graham v. John Deere Co.*, 383 U.S. 1, 12 (1966)). The Court reaffirmed principles based on its precedent that “[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *Id.* The operative question in this “functional approach” is thus “whether the improvement is more than the predictable use of prior art elements according to their established functions.” *Id.* at 1740.

We must determine whether or not the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. *See KSR*, 127 S. Ct. at 1734. Obviousness determination is not the result of a rigid formula, and we will consider the facts of a case and the common sense of those skilled in the art. *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1161 (Fed. Cir. 2007). That is, the test for obviousness is rather what the combined teachings of the references would have suggested to those of ordinary skill in the art. *See In re Keller*, 642 F.2d 413, 425 (CCPA 1981); *In re Young*, 927 F.2d 588, 591 (Fed. Cir. 1991).

V. ANALYSIS

Claims 1, 9, and 10

Appellants argue that “[i]n contrast to claim 1, Buse discloses... obtaining an IP address via either a DHCP request or Automatic Private IP addressing” (App. Br. 14), while “Appellants’ claimed invention is directed to a method by which a device on a computer network can be assigned an IP address automatically, without the overhead of supporting the traditional address assignment protocols, such as DHCP, within the devices themselves” (App. Br. 16). Furthermore, Appellants contend that “the Cheshire disclosure specifically pertains to self-configuration” (App. Br. 16), and that such teaching is “opposed to providing an IP address for another device, separate and distinct from the computer that obtains the IP address, which is connected via a network to the computer that obtains the IP address” (App. Br. 17). Lastly, Appellants argue that “it would not be obvious to combine the teachings of Buse and Cheshire” (App. Br. 18) because “there is no advantage disclosed, taught, or suggested by either of the references to modify Buse with Cheshire” (App. Br. 19).

However, the Examiner finds that “claim 1 is rejected as being unpatentable over Buse in view of Cheshire” wherein Appellants “cannot show nonobviousness where the rejections are based on combinations of references” (Ans. 9-10), and that it would have been obvious to combine the references because “each reference was directed to allocating an IP address to a device with minimal user intervention” (Ans. 14). Thus, the issues we

address on appeal are whether the combination of Buse and Cheshire teaches or would have suggested a computer for “incorporating said internet protocol address in an address resolution protocol probe,” “sending said address resolution protocol probe on said network,” and “if said internet protocol address is not in use, then performing the step of assigning said internet protocol address to said network adapter via said network” (claim 1), and whether it would have been obvious to combine the teachings of Buse and Cheshire.

We begin our analysis by giving the claims their broadest reasonable interpretation. *See In re Bigio*, 381 F.3d at 1324. Furthermore, our analysis will not read limitations into the claims from the Specification. *See In re Van Geuns*, 988 F.2d at 1184.

Appellants’ argument that Buse’s obtaining of an IP address via DHCP or Automatic Private IP addressing differs from the claimed invention because Appellants’ claimed invention is directed to assigning “an IP address automatically, without the overhead of supporting the traditional address assignment protocols, such as DHCP” (App. Br. 16) is not commensurate with the language of the claimed invention. That is, claim 1 does not recite any step of assigning of an IP address “automatically”, which only appears in the preamble of the claim, and further, claim 1 does not preclude any use of assignment protocols such as DHCP. Appellants’ claims simply do not place any limitation on what the “internet protocol address” is to be, to represent, or to mean, other than that the internet

protocol address is generated and incorporated in an address resolution protocol probe, and then is assigned to the network adapter via the network if it is not in use.

Similarly, Appellants' argument that Cheshire differs from the claimed invention because it pertains to "self-configuration" is also not commensurate with the language of the claimed invention. That is, claim 1 does not preclude any "self configuration" feature.

We find the weight of the evidence supports the Examiner's finding that the combination of Buse and Cheshire teaches the claimed elements on appeal as set forth in the Answer, starting on page 3. Buse teaches communication between a proxy device such as a computer and a plurality of devices via a network (FF 1), wherein an IP address is generated and sent with an ARP or an ICMP echo request on the network to determine if there is a conflict with an existing occupied address until a free address is found (FF 3), and the free address is allocated to the device with an unconfigured address (FF 2).

An artisan would have understood such proxy device of Buse to be a computer which determines whether the IP address is in use and, if the IP address is not in use, then assigning the IP address to the device (therefore the network adapter of the device) via the network. The artisan would have also understood such ARP or ICMP echo request of Buse to be a probe that is incorporated with the IP address, wherein the IP address is generated and sent with the request on the network to determine whether the IP address is

in use. Thus, we find Buse strongly suggests a computer for “incorporating said internet protocol address in an address resolution protocol probe,” “sending said address resolution protocol probe on said network,” and “if said internet protocol address is not in use, then performing the step of assigning said internet protocol address to said network adapter via said network” (claim 1).

Furthermore, even if claim 1 requires that the IP address be allocated “automatically” as the Appellants contend (App. Br. 16), contrary to Appellants’ reading of Buse, we find that Buse is also directed to “a method by which a device on a computer network can be assigned an IP address automatically, without the overhead of supporting the traditional address assignment protocols, such as DHCP” (*Id.*). That is, Buse discloses that if there is no DHCP server on the network, the IP address is generated automatically until a free address is found (FF 3). Thus, Buse does not disclose assigning an IP address using DHCP, but rather, assigning an IP address automatically generated when a DHCP server is not available.

As to Appellants’ argument that Cheshire pertains to “self-configuration” (App. Br. 16), and that such teaching is “opposed to providing an IP address for another device, separate and distinct from the computer that obtains the IP address, which is connected via a network to the computer that obtains the IP address” (App. Br. 17), even if claim 1 precludes such “self-configuration,” the Examiner has rejected the claims based on the combination of Buse and Cheshire. Nonobviousness cannot be

shown by attacking the references individually. *See In re Merck*, 800 F.2d at 1097.

As discussed above, Buse teaches a computer for incorporating an IP address in an ARP or ICMP echo request, sending the request on the network, and if said IP address is not in use, then assigning the IP address to the device with an unconfigured address via the network (FF 1-3). Further, Cheshire discloses the use of an ARP probe to verify that an IP address is not already in use, and then allocating the IP address to the device (FF 4).

We find an artisan would have understood Buse in view of Cheshire would teach or at least suggest a computer for “incorporating said internet protocol address in an address resolution protocol probe,” “sending said address resolution protocol probe on said network,” and “if said internet protocol address is not in use, then performing the step of assigning said internet protocol address to said network adapter via said network” (claim 1). That is, even if claim 1 requires that the IP address be generated “automatically” and “self-configuration” is precluded, as argued by Appellants, we find the subject matter sought to be patented by Appellants as a whole would have been obvious to the artisan as we consider the facts of the case and the common sense of those skilled in the art. *See Leapfrog*, 485 F.3d at 1161.

Thus, as to Appellants’ further contention that that “it would not be obvious to combine the teachings of Buse and Cheshire” (App. Br. 18), to address the issue of whether it would have been obvious to combine the

teachings, we must determine whether or not the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. *See KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. at 1734. Obviousness determination is not the result of a rigid formula disassociated from the consideration of the facts of a case, and the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not. *See Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d at 1161. That is, the test for obviousness is rather what the combined teachings of the references would have suggested to those of ordinary skill in the art. *See In re Keller*, 642 F.2d at 425; *In re Young*, 927 F.2d at 591.

As the Examiner finds, both Buse and Cheshire are “directed to allocating an IP address to a device with minimal user intervention” (Ans. 14). We find that combining with the teachings of Cheshire of using an ARP probe to determine if an IP address is not in use (FF 4) to the teachings of Buse of sending an ARP request on the network to determine if an IP address is not in use to assign the IP address to the device via the network (FF 1-3) would require no more than “ordinary skill and common sense” (*KSR*, 127 S. Ct. at 1742). Appellants have presented no evidence that combining the teachings of sending an ARP probe on the network to assign an IP address to a device via the network if the IP address is not in use “was

uniquely challenging or difficult for one of ordinary skill in the art," nor have Appellants presented evidence that this "represented an unobvious step over the prior art." *See Leapfrog*, 485 F.3d at 1162.

It is our view that a person of ordinary skill would have been able to fit the teachings of Buse and Cheshire together like pieces of a puzzle since the "person of ordinary skill is also a person of ordinary creativity, not an automaton." *See KSR*, 127 S. Ct. at 1742. The combined teachings of the references represent merely a combination of familiar elements according to known methods and do no more than yield predictable results. *See id* at 1739. That is, the invention is not more than the predictable use of prior art elements according to their established functions. *See id.* at 1740. Thus, we conclude that the Appellants have not shown that the Examiner erred in rejecting claim 1 over the teachings of Buse in view of Cheshire. As to claims 9 and 10 depending from claim 1, Appellants do not provide separate arguments with respect to the rejection of claim 1. Thus, we conclude that the Appellants also have not shown that the Examiner erred in rejecting claims 9 and 10 over the teachings of Buse in view of Cheshire.

Claims 17 and 25

As to claim 17, Appellants add the argument that “Buse simply does not disclose, teach, or suggest an imaging device” although Appellants admit that “Cheshire offhandedly mentions ‘printers’” (App. Br. 21). Since the Examiner has rejected the claims based on the combination of Buse and Cheshire, nonobviousness cannot be shown by attacking Buse.

As Appellants admit, Cheshire discloses printers, which are imaging devices. In particular, Cheshire discloses IP based “plug and play” devices such as “any printer on the LAN” (FF 5). We find an artisan would have understood the printer of Cheshire to be an imaging device coupled to the network. Further, as discussed above, Buse discloses a network device including a network adapter coupled to the network (FF 1). Thus, an artisan would have understood Buse in view of Cheshire would teach or at least suggest “communicatively coupling said imaging device to said network” (claim 17). That is, we find the subject matter sought to be patented by Appellants as a whole would have been obvious to the artisan as we consider the facts of the case and the common sense of those skilled in the art.

Thus, we conclude that the Appellants have not shown that the Examiner erred in rejecting claim 17 over the teachings of Buse in view of Cheshire. As to claim 25 depending from claim 17, Appellants do not provide separate arguments with respect to the rejection of claim 17. Thus, we conclude that the Appellants also have not shown that the Examiner erred in rejecting claim 25 over the teachings of Buse in view of Cheshire.

Claims 2-6 and 18-22

As to claims 2-6, Appellants add the argument that “Reed does not overcome the deficiency of Buse in view of Cheshire” because, “[l]ike Cheshire, Reed discloses self-configuration” (App. Br. 25), and that “there is nothing disclosed, taught, or suggested in either of the Buse or Cheshire or Reed references that would suggest the desirability of the asserted combination” (App. Br. 27).

Since the Examiner has rejected the claims based on the combination of Buse, Cheshire, and Reed, nonobviousness cannot be shown by attacking the references individually. We agree with the Examiner that the subject matter sought to be patented by Appellants as a whole would have been obvious to the artisan as we consider the facts of the case and the common sense of those skilled in the art.

To address the issue of whether it would have been obvious to combine the teachings, we determine the common sense of those skilled in the art. *See Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d at 1161. We determine what the combined teachings of the references would have suggested to those of ordinary skill in the art. *See In re Keller*, 642 F.2d at 425; *In re Young*, 927 F.2d at 591.

As the Examiner finds, Reed teaches “generating an internet protocol address” (Ans. 6). As discussed above, as the Examiner finds, both Buse and Cheshire are directed to allocating an IP address (Ans. 14). We find that combining the teachings of Reed of generating an IP address to the teachings

of Buse and Cheshire would require no more than "ordinary skill and common sense" (*KSR*, 127 S. Ct. at 1742). Appellants have presented no evidence that combining the teachings "was uniquely challenging or difficult for one of ordinary skill in the art," nor have Appellants presented evidence that this "represented an unobvious step over the prior art." *See Leapfrog*, 485 F.3d at 1162. The combined teachings of the references represent merely a combination of familiar elements according to known methods and do no more than yield predictable results. *See id* at 1739. That is, the invention is not more than the predictable use of prior art elements according to their established functions. *See id.* at 1740.

Thus, we conclude that the Appellants have not shown that the Examiner erred in rejecting claims 2-6 over the teachings of Buse in view of Cheshire and Reed. As to claims 18-22, Appellants do not provide separate arguments with respect to the rejection of claims 2-6. Thus, we conclude that the Appellants also have not shown that the Examiner erred in rejecting claims 18-22 over the teachings of Buse in view of Cheshire and Reed.

Claim 7

As to claim 7, Appellants add the argument that "Mellquist does not make up for the deficiency of Buse and Cheshire" because, the network device 33 of Mellquist "configures itself" (App. Br. 32), that Mellquist does not disclose "determining if the network adapter has a valid internet protocol address" (App. Br. 34), and that "there is nothing disclosed, taught, or

suggested in either of the Buse or Cheshire or Mellquist references that would suggest the desirability of the asserted combination (App. Br. 36).

Since the Examiner has rejected the claims based on the combination of Buse, Cheshire, and Reed, nonobviousness cannot be shown by attacking the references individually. As the Examiner finds, Buse discloses such teachings and such teachings are consistent with Appellants' teaching that "an IP address is considered valid if it is an appropriate address for the subnet to which the computer is connected" (Ans. 18). We agree with the Examiner that the subject matter sought to be patented by Appellants as a whole would have been obvious to the artisan as we consider the facts of the case and the common sense of those skilled in the art.

To address the issue of whether it would have been obvious to combine the teachings, again, we determine the common sense of those skilled in the art.

As the Examiner finds, Mellquist teaches "determining if said network adapter has a 'valid' internet protocol address" (Ans. 7). As discussed above, as the Examiner finds both Buse and Cheshire are directed to allocating an IP address (Ans. 14). We find that combining the teachings of Mellquist of determining a valid IP address to the teachings of Buse and Cheshire would require no more than ordinary skill and common sense and Appellants have presented no evidence that combining the teachings was uniquely challenging or difficult for one of ordinary skill in the art. Thus, it is our view that Appellants' claim 7 is merely a combination of familiar

elements that would have been combinable according to known methods to yield predictable results.

Thus, we conclude that the Appellants have not shown that the Examiner erred in rejecting claim 7 over the teachings of Buse in view of Cheshire and Mellquist.

Claims 11-16

As to claim 11, Appellants add that “Buse in view of Cheshire, and in further view of Mellquist does not disclose, teach, or suggest determining if the low-cost network adapter has a valid internet protocol address” (App. Br. 38). However, the Examiner finds that Buse in view of Cheshire in further view of Mellquist discloses such teachings (Ans. 20-21). Appellants provide no argument to dispute that the Examiner has correctly shown where all the claimed elements appear in the prior art.

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 11 over the teachings of Buse in view of Cheshire and Mellquist. As to claims 12-16, Appellants do not provide separate arguments with respect to the rejection of claim 11 from which claims 12-16 depend. Thus, we conclude that the Appellants also have not shown that the Examiner erred in rejecting claims 12-16 over the teachings of Buse in view of Cheshire and Reed.

Claim 23

As to claim 23, Appellants add that “Buse in view of Cheshire, and in further view of Mellquist do not disclose, teach, or suggest “wherein the

computer executes preliminary instructions to determine if the network adapter has a valid internet protocol address” (App. Br. 39-40). However, the Examiner finds that Buse in view of Cheshire in further view of Mellquist discloses such teachings (Ans. 21-23). Appellants provide no argument to dispute that the Examiner has correctly shown where all the claimed elements appear in the prior art.

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 23 over the teachings of Buse in view of Cheshire and Mellquist.

Claims 8 and 24

As to claim 8, Appellants add that “Troll does not disclose, teach, or suggest determining whether the network allows the computer to assign an internet protocol address to the network adapter” (App. Br. 42). However, the Examiner finds that the claimed “‘a network that allows a computer to assign an internet protocol address to a network adapter’, simply means determining that DHCP server(s) are available on the network from which remote automatic IP addresses can be obtained for providing to a devices’ network adapter” (Ans. 24).

We find the evidence supports the Examiner’s position. Since the Examiner has rejected the claims based on the combination of Buse, Cheshire, Mellquist, and Troll, nonobviousness cannot be shown by attacking Troll individually. As the Examiner finds, Cheshire discloses such teachings “by determining that DHCP server(s) are available on the network

from which remote automatic IP address can be obtained” (Ans. 25). We find that an artisan would have understood a network containing a DHCP server that could assign an IP address to a device to be a network that allows the server to assign an IP to the device (i.e., to the network adapter).

Accordingly, we conclude that Appellants have not shown that the Examiner erred in rejecting claim 8 over the teachings of Buse in view of Cheshire, Mellquist, and Troll. As to claim 24, Appellants do not provide separate arguments with respect to the rejection of claim 8. Thus, we conclude that the Appellants also have not shown that the Examiner erred in rejecting claim 24 over the teachings of Buse in view of Cheshire and Reed.

VI. CONCLUSION OF LAW

(1) Appellants have not shown that the Examiner erred in concluding that claims 1, 9, 10, 17, and 25 are unpatentable under 35 U.S.C. § 103(a) over the teachings of Buse in view of Cheshire.

(2) Appellants have not shown that the Examiner erred in concluding that claims 2-6 and 18-22 are unpatentable under 35 U.S.C. § 103(a) over the teachings of Buse in view of Cheshire and Reed.

(3) Appellants have not shown that the Examiner erred in concluding that claims 7, 11-16, and 23 are unpatentable under 35 U.S.C. § 103(a) over the teachings of Buse in view of Cheshire and Mellquist.

(4) Appellants have not shown that the Examiner erred in concluding that claims 8 and 24 are unpatentable under 35 U.S.C. § 103(a) over the teachings of Buse in view of Cheshire and Mellquist and Troll.

Claims 1-25 are not patentable.

VII. DECISION

The Examiner's rejection of claims 1-25 under 35 U.S.C. § 103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

rwk

LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
740 WEST NEW CIRCLE ROAD
BLDG. 082-1
LEXINGTON KY 40550-0999